

PUBLIC NOTICE

The Montana Department of Environmental Quality (MDEQ) invites interested citizens, government agencies, and the applicant to review and comment on a modification to BNSF Railway Company's hazardous waste permit for their former tie treating plant in Paradise, Montana. The Montana Hazardous Waste Permit covers operation of a Corrective Action Management Unit, post-closure of a Surface Impoundment, and facility-wide corrective action.

BNSF has requested a permit modification to: 1) add storage requirements for two hazardous waste storage tanks, 2) include requirements for implementing land use controls, and 3) include requirements for an Alternate Concentration Limit (ACL) to address groundwater contamination at the site. The hazardous waste storage tanks are used for storage of creosote prior to shipment to an off-site hazardous waste facility. Land use controls are requirements that run with the land to establish further assurance that groundwater use and soil disturbance will be controlled at the site. An ACL establishes health-based groundwater protection standards which must be met at the facility boundary.

MDEQ has prepared a document called a Statement of Basis (SB) that explains the proposed ACL. An environmental assessment (EA) has been prepared for this draft permit modification in accordance with the Montana Environmental Policy Act.

This notice is to inform the public of the draft permit modification, the associated EA, and the SB and to seek their participation in the decision-making process. The public is provided forty-five (45) days to review and submit written comments on the draft permit modification and EA before a final decision is made by MDEQ. The comment period will extend from March 22, 2006 through May 5, 2006.

During the public comment period, any interested person may request a public hearing. A request for a public hearing must be in writing and must state the nature of the issues proposed to be raised in the hearing. If a hearing is held, the MDEQ will provide notice of the public hearing date at least thirty days prior to the hearing.

The draft permit modification, the draft EA, and associated documents are available for examination at the Plains Public Library, 108 West Railroad, Plains, Montana, phone 406/826-3101, and at the MDEQ, Waste and Underground Tank Management Bureau, Metcalf Building, 1520 E. 6th Ave., Helena, Montana, phone 406/444-3490. A fact sheet, EA, and SB describing the facility and proposed permit changes will be available for review at the above locations or on DEQ's internet website at: www.deq.state.mt.us.

All written comments on the draft permit should be addressed to Ann Kron, MDEQ, Permitting and Compliance Division, Waste and Underground Tank Management Bureau, P.O. Box 200901, Helena, MT 59620-0901, phone 406/444-5824. **All written comments must be received by the MDEQ on or before May 5, 2006 for consideration.**

Based on the comments received, MDEQ will make a final decision to issue, deny, or change the permit modification request. Notice will then be given to the applicant and each person who

submitted written comments or requested a notice of the decision. The final permit decision shall become effective thirty (30) days after the service of notice of the decision, unless a later date is specified. If no comments are received requesting changes to the draft permit modification, the permit becomes effective immediately upon issuance.

For additional information contact Ann Kron at 406/444-5824.

Dated: March 22, 2006